## 2015 DRAFTING REQUEST

Bill				·							
Received: 10/30/2014			F	Received By: mpfotenh							
Wante	Wanted: As time permits				Same as LRB:						
For:	Peter	Barca (608) 26	66-5504	H	By/Representing: Matt Egerer						
May C	ontact:			Ι	Orafter:	mpfotenh					
Subjec	et: State	Govt - procure	ement	F	Addl. Drafters:						
				I	Extra Copies:						
Reque	t via email: ster's email: n copy (CC) to	o: mary.	Sarca@legis.w pfotenhauer@ ne.hanaman@	elegis.wisco	onsin.gov						
Pre To	opic:										
No spe	ecific pre topic	e given									
Topic							<u> </u>				
Food p	ourchases by U	Jniversity of Wi	sconsin								
Instru	ections:		V. 2000 - 10								
Same	as substitute a	mendment s030	2 to 2013 AB	432							
Drafti	ing History:					water a first con-					
Vers.	<u>Drafted</u>	Reviewed	<u>Typed</u>	Proofed	Submitted	<u>Jacketed</u>	Required				
/?	mpfotenh 11/20/2014	scalvin 12/5/2014									
/P1	mpfotenh 1/28/2015	csicilia 1/28/2015	jfrantze 12/5/2014		mbarman 12/5/2014	·	State				
/1				· 	lparisi 1/28/2015	sbasford 4/6/2015	State				

FE Sent For: → At Intro.

<**END>** 



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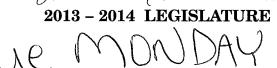
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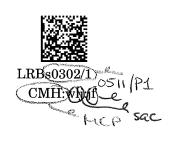
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## State of Misconsin 2013 - 2014 LEGISLATURE





### ASSEMBLY SUBSTITUTE AMENDMENT 2,

### TO ASSEMBLY BILL 432

W18 8169

February 13, 2014 - Offered by Representatives CLARK and SMITH.

gen cat

AN ACT to repeal 16.75 (1) (b) 2. and 16.75 (2m) (b) 2.; to renumber and amend

16.75 (1) (a) 1.; to amend 16.75 (1) (b) 1., 16.75 (1) (b) 3., 16.75 (1) (c), 16.75 (2m)

(a), 16.75 (2m) (b) 1. and 16.75 (2m) (c); and to create 16.75 (1) (a) 1. c. of the statutes; relating to: the purchase of food by the Board of Regents of the University of Wisconsin System.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 16.75 (1) (a) 1. of the statutes, as affected by 2013 Wisconsin Act 20, is renumbered 16.75 (1) (a) 1. a. and amended to read:

16.75 (1) (a) 1. a. All orders awarded or contracts made by the department for all materials, supplies, equipment, and contractual services to be provided to any agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t), (6), (7), (8), (9), (10e), and (10m) and ss. 16.705 (1r), 16.73 (4) (a), 16.751, 16.754, 50.05

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1	(7) (f), 153.05 (2m) (a), 165.987, and 287.15 (7), shall be awarded to the lowest
2	responsible bidder, taking into consideration to be determined as provided in subd.
3	1. b. and c.
4	b. Except as provided in subd. 1. c., the person who determines the lowest
5	responsible bidder shall consider life cycle cost estimates under sub. (1m), when
6	appropriate, the location of the agency, the quantities of the articles to be supplied,
7	their conformity with the specifications, and the purposes for which they are
8	required and the date of delivery.
9	SECTION 2. 16.75 (1) (a) 1. c. of the statutes is created to read:
10	16.75 (1) (a) 1. c. If the Board of Regents of the University of Wisconsin-System
11	is purchasing food and the purchase is subject to par. (b), factors other than price may
12	not comprise more than 50 percent of the total factors used to determine the lowest
13	responsible bidder.
14	SECTION 3. 16.75 (1) (b) 1. of the statutes is amended to read:
15	16.75 (1) (b) 1. Except as provided in subd. 2., when When the estimated cost
16	exceeds \$25,000 \$50,000, the department shall invite bids to be submitted.
17	SECTION 4. 16.75 (1) (b) 2. of the statutes is repealed.
18	SECTION 5. 16.75 (1) (b) 3. of the statutes is amended to read:
19	16.75 (1) (b) 3. If subd. 1. or 2. requires bids to be solicited, the department
20	either shall solicit sealed bids to be opened publicly at a specified date and time, or
21	shall solicit bidding by auction to be conducted electronically at a specified date and
22	time. Whenever bids are invited, due notice inviting bids shall be published as a class
23	2 notice, under ch. 985 or posted on the Internet at a site determined or approved by

the department. The bid opening or auction shall occur at least 7 days after the date

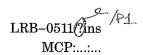
of the last insertion of the notice or at least 7 days after the date of posting on the

Internet. The notice shall specify whether sealed bids are invited or bids will be
accepted by auction, and shall give a clear description of the materials, supplies,
equipment, or contractual services to be purchased, the amount of any bond, share
draft, check, or other draft to be submitted as surety with the bid or prior to the
auction, and the date and time that the public opening or the auction will be held.
SECTION 6. 16.75 (1) (c) of the statutes is amended to read:
16.75 (1) (c) Except as provided in sub. (7), when the estimated cost is $\$25,000$
\$50,000 or less, the award may be made in accordance with simplified procedures
established by the department for such transactions.
SECTION 7. 16.75 (2m) (a) of the statutes is amended to read:
16.75 (2m) (a) Except as otherwise required by law, if the secretary or his or
her designee determines that the use of competitive sealed bidding is not practicable
or not advantageous to this state, the department may solicit competitive sealed
proposals. Each request for competitive sealed proposals shall state the relative
importance of price and other evaluation factors. <u>If the Board of Regents of the</u>
University of Wisconsin-System is purchasing food, factors other than price may not
comprise more than 50 percent of the total factors used to determine the most
competitive sealed proposal.
<b>Section 8.</b> 16.75 $(2m)$ (b) 1. of the statutes is amended to read:
16.75 (2m) (b) 1. Except as provided in subd. 2., when When the estimated cost
exceeds \$25,000 \$50,000, the department may invite competitive sealed proposals.
SECTION 9. 16.75 (2m) (b) 2. of the statutes is repealed.

**Section 10.** 16.75 (2m) (c) of the statutes is amended to read:

16.75 (2m) (c) When the estimated cost is $$25,000 $50,000$ or less, the
department may award the order or contract in accordance with simplified
procedures established by the department for such transactions.
SECTION 11. Initial applicability.
(1) This act first applies with respect to bids or proposals solicited on the
effective date of this subsection.
(END)

#### 2015–2016 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU



#### ANALYSIS INSERT

Current law generally authorizes state agencies to purchase materials, supplies, or equipment under certain circumstances. With some exceptions, purchases for which the estimated cost exceeds \$50,000 require bids to be invited or sealed proposals to be solicited and the order must be awarded to the lowest responsible bidder or most competitive sealed proposal. In determining the lowest responsible bidder the agency must consider the location of the agency, the quantities of the articles to be supplied, the conformity of the bids with the specifications in the invitation to bid, and the purpose for which the materials, supplies, or equipment are required and their delivery date. In determining the most competitive sealed proposal, the agency must consider factors outlined in the solicitation for competitive sealed proposals.

This bill creates an exception to these provisions if the Board of Regents of the University of Wisconsin System (board) is purchasing food. Under this bill, when the board is considering bids or proposals for the purchase of food, factors other than price may not comprise more than 50 percent of the total factors used to determine the lowest bid or most competitive sealed proposal.

Current law also provides that if the estimated cost of a purchase is \$25,000 or less, the department may use simplified procedures for making an award. This bill allows the department to use simplified procedures if the estimated cost of a purchase is \$50,000 or less.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.



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# State of Misconsin 2015 - 2016 LEGISLATURE

LRB-0511(P1) /1
MCP:sac:jf

### PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No changes

Ger Cot

AN ACT to repeal 16.75 (1) (b) 2. and 16.75 (2m) (b) 2.; to renumber and amend 16.75 (1) (a) 1.; to amend 16.75 (1) (b) 1., 16.75 (1) (b) 3., 16.75 (1) (c), 16.75 (2m) (a), 16.75 (2m) (b) 1. and 16.75 (2m) (c); and to create 16.75 (1) (a) 1. c. of the statutes; relating to: the purchase of food by the Board of Regents of the University of Wisconsin System.

### Analysis by the Legislative Reference Bureau

Current law generally authorizes state agencies to purchase materials, supplies, or equipment under certain circumstances. With some exceptions, purchases for which the estimated cost exceeds \$50,000 require bids to be invited or sealed proposals to be solicited and the order must be awarded to the lowest responsible bidder or most competitive sealed proposal. In determining the lowest responsible bidder the agency must consider the location of the agency, the quantities of the articles to be supplied, the conformity of the bids with the specifications in the invitation to bid, and the purpose for which the materials, supplies, or equipment are required and their delivery date. In determining the most competitive sealed proposal, the agency must consider factors outlined in the solicitation for competitive sealed proposals.

This bill creates an exception to these provisions if the Board of Regents of the University of Wisconsin System (board) is purchasing food. Under this bill, when the board is considering bids or proposals for the purchase of food, factors other than price may not comprise more than 50 percent of the total factors used to determine the lowest bid or most competitive sealed proposal.

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Current law also provides that if the estimated cost of a purchase is \$25,000 or less, the department may use simplified procedures for making an award. This bill allows the department to use simplified procedures if the estimated cost of a purchase is \$50,000 or less.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

# The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

**SECTION 1.** 16.75 (1) (a) 1. of the statutes is renumbered 16.75 (1) (a) 1. a. and amended to read:

16.75 (1) (a) 1. a. All orders awarded or contracts made by the department for all materials, supplies, equipment, and contractual services to be provided to any agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t), (6), (7), (8), (9), (10e), and (10m) and ss. 16.705 (1r), 16.73 (4) (a), 16.751, 16.754, 50.05 (7) (f), 153.05 (2m) (a), 165.987, and 287.15 (7), shall be awarded to the lowest responsible bidder, taking into consideration to be determined as provided in subd. 1. b. and c.

b. Except as provided in subd. 1. c., the person who determines the lowest responsible bidder shall consider life cycle cost estimates under sub. (1m), when appropriate, the location of the agency, the quantities of the articles to be supplied, their conformity with the specifications, and the purposes for which they are required and the date of delivery.

**Section 2.** 16.75 (1) (a) 1. c. of the statutes is created to read:

16.75 (1) (a) 1. c. If the Board of Regents of the University of Wisconsin–System is purchasing food and the purchase is subject to par. (b), factors other than price may not comprise more than 50 percent of the total factors used to determine the lowest responsible bidder.

1 8	SECTION 3.	16.75	(1) (1)	o) 1.	of the	statutes	is a	amended	to r	ead:
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16.75 (1) (b) 1. Except as provided in subd. 2., when When the estimated cost exceeds \$25,000 \$50,000, the department shall invite bids to be submitted.

**Section 4.** 16.75 (1) (b) 2. of the statutes is repealed.

**Section 5.** 16.75 (1) (b) 3. of the statutes is amended to read:

16.75 (1) (b) 3. If subd. 1. or 2. requires bids to be solicited, the department either shall solicit sealed bids to be opened publicly at a specified date and time, or shall solicit bidding by auction to be conducted electronically at a specified date and time. Whenever bids are invited, due notice inviting bids shall be published as a class 2 notice, under ch. 985 or posted on the Internet at a site determined or approved by the department. The bid opening or auction shall occur at least 7 days after the date of the last insertion of the notice or at least 7 days after the date of posting on the Internet. The notice shall specify whether sealed bids are invited or bids will be accepted by auction, and shall give a clear description of the materials, supplies, equipment, or contractual services to be purchased, the amount of any bond, share draft, check, or other draft to be submitted as surety with the bid or prior to the auction, and the date and time that the public opening or the auction will be held.

**Section 6.** 16.75 (1) (c) of the statutes is amended to read:

16.75 (1) (c) Except as provided in sub. (7), when the estimated cost is \$25,000 \$50,000 or less, the award may be made in accordance with simplified procedures established by the department for such transactions.

**SECTION 7.** 16.75 (2m) (a) of the statutes is amended to read:

16.75 (2m) (a) Except as otherwise required by law, if the secretary or his or her designee determines that the use of competitive sealed bidding is not practicable or not advantageous to this state, the department may solicit competitive sealed

1	proposals. Each request for competitive sealed proposals shall state the relative						
2	importance of price and other evaluation factors. If the Board of Regents of the						
3	University of Wisconsin-System is purchasing food, factors other than price may not						
4	comprise more than 50 percent of the total factors used to determine the most						
5	competitive sealed proposal.						
6	SECTION 8. 16.75 (2m) (b) 1. of the statutes is amended to read:						
7	16.75 (2m) (b) 1. Except as provided in subd. 2., when When the estimated cost						
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10	Section 10. 16.75 (2m) (c) of the statutes is amended to read:						
11	16.75 (2m) (c) When the estimated cost is $$25,000 $50,000$ or less, the						
12	department may award the order or contract in accordance with simplified						
13	procedures established by the department for such transactions.						
14	Section 11. Initial applicability.						
15	(1) This act first applies with respect to bids or proposals solicited on the						
16	effective date of this subsection.						
17	(END)						

### Pfotenhauer, Mary

From:

LRB.Legal

Sent:

Wednesday, January 28, 2015 1:19 PM

To:

Pfotenhauer, Mary

Cc:

Rep.Barca

Subject:

FW: Draft review: LRB -0511/P1 Topic: Food purchases by University of Wisconsin

From: Rep.Barca

Sent: Wednesday, January 28, 2015 1:18 PM

To: LRB.Legal

Subject: RE: Draft review: LRB -0511/P1 Topic: Food purchases by University of Wisconsin

Can I get this as an final draft?

From: LRB.Legal

Sent: Friday, December 05, 2014 3:22 PM

To: Rep.Barca

Subject: Draft review: LRB -0511/P1 Topic: Food purchases by University of Wisconsin

Following is the PDF version of draft LRB -0511/P1.

### Barman, Mike

From:

Sent: To:

Subject:

Egerer, Matt Monday, April 06, 2015 11:39 AM LRB.Legal Draft Review: LRB -0511/1 Topic: Food purchases by University of Wisconsin

Please Jacket LRB -0511/1 for the ASSEMBLY.